

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

SVETLANA LOKHOVA,

Plaintiff,

V.

STEFAN A. HALPER,

Defendant.

No: 1:20-cv-01603-LMB-TCB

**NOTICE OF PLAINTIFF'S INTENTION TO FILE  
AN AMENDED COMPLAINT**

COMES NOW, the Plaintiff, by and through undersigned counsel, and notifies the Court and the defendant of her intention to file an amended complaint in lieu of substantively responding to the defendant's motion to dismiss, and in support thereof states as follows:

1. On December 31, 2020, Plaintiff filed her original Complaint in the above captioned matter.
2. On June 2, 2022, Defendant filed its first motion to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b).
3. Ordinarily, a responsive pleading to a motion would be due within 14 days of the filing of the motion, pursuant to L.R.Civ. P. 7(F)(1).

4. However, Fed. R. Civ. P. 15(a)(1)(B) allows a party to amend a pleading as a matter of right within “21 days after service of a motion under Rule 12(b), (e), or (f) . . . .”
5. Plaintiff opposes the Motion to Dismiss and does not concede any of the issues raised in it. However, the filing of an amended complaint pursuant to Rule 15 supersedes a previously filed complaint, *Young v. City of Mount Ranier*, 238 F.3d 567 (4th Cir. 2001), and moots any pending motion to dismiss, *see Turner v. Kight* 192 F.Supp.2d 391, 397 (D. Md. 2002), *Controls Se., Inc. v. QMax Indus.*, 3:21-cv-302-MOC-DSC (W.D.N.C. Mar. 25, 2022). *See also McNeil v. Biaggi Productions, LLC*, 2016 WL 3227517 (E.D.V.A. February 9, 2016)(unpublished).

WHEREFORE, in the interest of transparency and clarity, Plaintiff provides this Notice to the Court and the defendant of her intention to file an Amended Complaint, as of right, pursuant to Fed. R. Civ. P. 15(a)(1)(B), within 21 days after service of the Defendant’s motion to dismiss pursuant to Rule 12(b).

Dated: June 16, 2022

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on June 16, 2022, I electronically filed the foregoing Notice of Plaintiff's Intention to File an Amended Complaint, using the CM/ECF system, which will send a notification of such filing (NEF) to all properly designated parties and counsel.

\_\_\_\_\_/s/\_\_\_\_\_  
Leslie McAdoo Gordon